

MEMO ENDORSED



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JAMES E. JOHNSON
Corporation Counsel

JOSHUA A. WEINER
Senior Counsel
Phone: (212) 356-2249
Fax: (212) 356-3509
Email: jweiner@law.nyc.gov

August 4, 2020

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Boisey Caldwell v. Officer German Geronimo,
19-CV-8253 (KPF) (SLC)

Your Honor,

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to represent Defendant New York City Police Department Officer German Geronimo in the above-referenced matter. Defendant writes in accordance with Your Honor's Individual Rules of Practice in Civil Cases to respectfully request that the Court schedule an informal conference to discuss Defendant's contemplated motion to compel Plaintiff's response to Defendant's First Set of Interrogatories and Request for Production of Documents. Defendant attempted to contact Plaintiff to discuss his availability to meet and confer once by phone and once by email on July 21; twice by phone and once by email on July 24; once by phone July 30; and once by phone and once by email on July 31. Each attempt was unsuccessful.

By way of background, Plaintiff alleges that, on September 2, 2019, he was fishing in Morningside Park when he was confronted and tackled to the ground by Defendant. (See Caldwell Compl. 1-2 (ECF No. 2.)) On May 27, 2020, Defendant served Plaintiff with Defendant's First Set of Interrogatories and Request for Production of Documents by mail. However, despite numerous follow-up requests and reminders by defense counsel, Plaintiff has failed to respond to Defendant's discovery requests. In fact, Plaintiff recently advised defense counsel that his lack of response is due to his understanding that he is not obligated to respond.

Accordingly, Defendant respectfully requests that the Court schedule an informal conference to discuss Defendant's contemplated motion to compel Plaintiff's responses to Defendant's First Set of Interrogatories and Request for Production of Documents. Thank you for your consideration of this matter.

Sincerely,

Joshua A. Weiner

Joshua A. Weiner¹
Senior Counsel

cc: **VIA FIRST-CLASS MAIL**
Boisey Caldwell
25 Elliot Place
Bronx, NY 10425

Application GRANTED. The parties to this action are hereby ORDERED to appear for a telephone conference on **August 20, 2020, at 2:00 p.m.**

The dial-in information is as follows: At 2:00 p.m. on August 20, 2020, the parties shall call (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to 2:00 p.m.

Dated: August 4, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

Boisey Caldwell
25 Elliot Place
Bronx, NY 10452

¹ This case has been assigned to Assistant Corporation Counsel Aaron Davison, who passed the New York State Bar Exam and is presently applying for admission. Mr. Davison is handling this matter under supervision and may be reached at (646) 988-3220 or adavison@law.nyc.gov.